

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:14CR39-2
(Judge Keeley)

ANGELA DAVIS,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S ORDER/OPINION
REGARDING PLEA OF GUILTY AND SCHEDULING SENTENCING HEARING**

On September 23, 2014, defendant, Angela Davis, ("Davis"), appeared before United States Magistrate Judge John S. Kaul to enter a plea of GUILTY to Count One of the Indictment. Davis stated that she understood that the magistrate judge is not a United States district judge and voluntarily waived her right to have an Article III judge hear and accept her plea and voluntarily consented to entering a guilty plea before the Magistrate Judge.

Based upon Davis' statements during the plea hearing and the stipulation of the parties to accept the proffer of the government as an independent basis in fact for the plea, the Magistrate Judge found that Davis was competent to enter a plea, that the plea was freely and voluntarily given, that Davis was aware of the nature of the charges against her and the consequences of her plea, and that a factual basis existed for the tendered plea.

On September 23, 2014, Magistrate Judge Kaul entered an Order/Opinion Regarding Plea of Guilty ("Order/Opinion") (dkt. no.

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90) finding a factual basis for the plea existed, and accepting Davis' plea of guilty to Count One of the Indictment. In his Order/Opinion, he directed the parties to file any written objections to the Order/Opinion within fourteen (14) days after service. He further directed that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court regarding the Order/Opinion. The parties did not file any objections.

Accordingly, this Court **ACCEPTS** the magistrate judge's Order/Opinion Regarding Plea of Guilty and **ADJUDGES** ANGELA DAVIS **GUILTY** of the crime charged in the Count One of the Indictment and, pursuant to Fed. R. Crim. P. 11(c)(3)(A) and U.S.S.G. § 6B1.1(c), **DEFERS** acceptance of the proposed plea agreement until the Court has received and reviewed the presentence report prepared in this matter.

Pursuant to U.S.S.G. § 6A1 et seq., the Court **ORDERS** that:

1. The Probation Officer shall undertake a presentence investigation of **ANGELA DAVIS** and prepare a presentence report for the Court;
2. The Government and Davis are to provide their versions of the offense to the probation officer by **October 21, 2014**;

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3. The presentence report is to be disclosed to Davis, defense counsel, and the United States on or before **December 8, 2014**; however, the Probation Officer is not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e)(3);

4. Counsel may file written objections to the presentence report on or before **December 22, 2014**;

5. The Office of Probation shall submit the presentence report with addendum to the Court on or before **January 5, 2015**; and

6. Counsel may file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the factual basis from the statements or motions, on or before **January 19, 2015**.

Magistrate Judge Kaull continued Davis' bond pursuant to an Order Setting Conditions of Release (dkt. no. 15) filed on June 3, 2014.

The Court will conduct the sentencing hearing for Angela Davis on **Monday, January 26, 2015 at 11:30 A.M.** at the **Clarksburg, West Virginia** point of holding court.

It is so **ORDERED**.

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The Court directs the Clerk of Court to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: October 8, 2014

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE